

JOHNNY H. COBLE JR., and ROBIN COBLE
both on behalf of their minor child “J.H.C.”,

Plaintiff,

v.

LAKE NORMAN CHARTER SCHOOL, *et al.*,

Defendants.

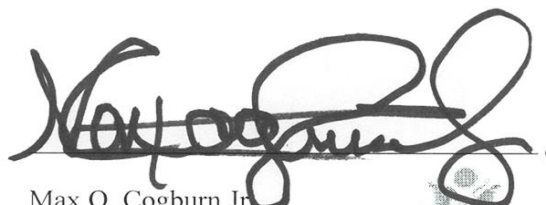
original Complaint only sought injunctive relief and did not seek any damages (the Complaint was filed prior to the School beginning to teach the book, and simply sought to prevent it). The damages were only added in the Amended Complaint after the School completed the teaching and after the Defendants filed their Motion to Dismiss. (Doc. No. 22-2). Much of the remainder of the analysis in the dismissal Order, however, relied on the initial Complaint. (Doc. No. 31).

After considering Plaintiffs' Objections (Doc. No. 30), the Court affirms in part the Magistrate Judge's denial of the Motion to Amend. (Doc. No. 28). Specifically, the Court agrees that amendment would be futile because the Amended Complaint failed to state a claim. (See Doc. No. 28). However, the Court recognizes that the case is not moot on nominal damages grounds due to the Supreme Court's recent decision in Uzueghunam et al. v. Preczewski. In that case, the Supreme Court held that nominal damages are sufficient to satisfy the redressability prong of standing. See Uzueghunam et al. v. Preczewski, U.S. No. 19-968, (Decided March 8, 2021). Therefore, the Amended Complaint is not futile on the basis of mootness; however, the Amended Complaint remains futile because, as the Magistrate Judge decided, it clearly failed to state a claim upon which relief could be granted.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiffs' Objections (Doc. No. 30) are **OVERRULED** and the Court **AFFIRMS** in part the Magistrate Judge's denial of Plaintiffs' Motion to Amend. (Doc. No. 28).

Signed: June 1, 2021



Max O. Cogburn Jr.
United States District Judge